

## **MINUTES**

**CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
APRIL 18, 2006  
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Carter and the Invocation was given by Rev. Jim Priest.

## **ROLL CALL**

### **PRESENT**

### **ABSENT**

Mayor Marietta Tardibono  
Vice-Mayor Nancy Olson  
Councilman Jimmy Alexander  
Councilman Walter Johnson  
Councilman Mike Gossman  
Councilman Rodney Nelson  
Councilman Stan Street  
Councilman Jeff Martinez  
Councilman Stewart Shapiro

### **STAFF PRESENT**

Pam Ramirez, City Clerk  
Bob Jernigan, City Attorney  
Roger Patty, Police Chief  
Rob Carter, Fire Chief  
Mike Turman, City Inspector  
Scott Barrett, City Engineer  
Wiley Rice, Jr., City Planner

2. Presentation of 15 year service pin to Officer Troy Mize.  
  
The Mayor presented Officer Troy Mize with a 15 year pin and thanked him for his dedicated service.
3. Discussion and possible action on appointing a Vice-Mayor and Emergency Interim Successor.  
  
Councilman Shapiro nominated Councilman Martinez and Councilman Johnson nominated Councilman Alexander.

Poll vote: Alexander, Alexander; Johnson, Alexander; Nelson, Alexander; Gossman, Martinez; Martinez, Martinez; Street, Martinez; Shapiro, Martinez; Olson, Martinez; Tardibono, Martinez.

Councilman Martinez was elected as Vice Mayor. The Mayor gave Vice Mayor Martinez his Oath of Office.

The Mayor said that she would like to appoint Councilman Gossman as her Emergency Interim Successor.

4. Questions and Comments from Warr Acres Residents

Bob Wehba spoke and stated that if anyone on the Council was not embarrassed by the article in the Tribune then they did not deserve to be on the Council. He also made reference to an article that had appeared in the Daily Oklahoman concerning OKC and water rates and stated that the Mayor should find out and answer not just answer with I don't know. He said that the Village and Warr Acres paid the same rate as OKC at one point and then they decided to double Warr Acres rate so the city hired a Black and Veech and took OKC to court. In a settlement the city received millions in water improvements and the judge took the recommendation of Black and Veech and set Warr Acres rates at 7% more than OKC resident's rates. With OKC looking to raise water rates he wants the city to make sure that the increase does not make the difference between OKC and Warr Acres rates more than 7%.

5. Recess to enter into the Warr Acres Economic Development Authority Meeting.

The Council recessed at 7:18 p.m. to enter into the Economic Development Authority Meeting.

6. Reconvene City Council Meeting.

The council reconvened at 7:23 p.m.

7. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #8.

A.	Approval of Expenditures ****	General Fund	\$ 48,750.14
		CIP	\$ 2,800.00

B. Approval of Minutes from the March 21, 2006 Regular Meeting. \*\*\*\*

C. Approval to surplus items on list. \*\*\*\*

D. Approval to appropriate FEMA money to the fire department.  
Councilman Nelson asked to pull item A.

Motion by Martinez, second by Shapiro to approve item B, C, and D. Poll vote: Alexander, yea; Johnson, abstain; Nelson, yea; Gossman, yea; Martinez, yea; Street, abstain; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed.**

8. Discussion and possible action on items removed from the consent docket.

Councilman Shapiro asked about the cost listed for repairs to police cars. Chief Patty stated that those were repairs to units that had been recently wrecked and insurance would be reimbursing the city. Councilman Alexander asked when the ice machine was purchased and no one was exactly sure but think it was 5-6 years ago.

Motion by Nelson, second by Johnson to approve item A except for the claim for Jessie Simmons. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, nay; Martinez, nay; Street, abstain; Shapiro, nay; Olson, nay; and Tardibono, nay.

**Motion Failed.**

Motion by Martinez, second by Gossman to approve all of item A. Poll vote: Alexander, nay; Johnson, nay; Nelson, nay; Gossman, yea; Martinez, yea; Street, abstain; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed.**

9. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, Street, Sanitation, Sewer, City Engineer, City Planner.

Clerk Ramirez asked if everyone would be available for a CIP meeting on Thursday, April 27<sup>th</sup> at 2:00 p.m. Everyone except Councilman Nelson stated that they would be able to attend.

Engineer Barrett said that they needed to set up a Drainage Committee meeting but had it on hold until he found out weather former Councilman Wehba would be replaced. He said that MacArthur was progressing nicely and was hopeful that OG&E would be removing the ½ poles soon.

Planner Rice said that he had met with Engineer Barrett and Inspector Turman and they are working on the Ione proposal.

10. Questions and comments from Council members.

Councilman Street asked who was in charge of the barricades on MacArthur. Engineer Barrett stated that it is the responsibility of the contractor however the contractor is not there 24 hours a day. Chief Patty stated that they call Action Safety and they come out and put them back up, but with the wind lately there have been many loose.

Councilman Martinez said it was his privilege to attend a court session recently and wanted to commend Connie and Jamie, the Court Clerks, Judges Cassil and Speegle and Attorney Simms on the way they keep things moving and their professionalism.

Councilman Shapiro said that last Wednesday night he was sitting in his back yard with several out of town guest when he noticed the smell of marijuana coming from the parking lot behind his fence. He stated that he called dispatch and was not happy with the way things were handled. Chief Patty stated that at the same time his department was working a homicide that involved two separate locations and could not respond to his call but as soon as there was an officer free one was sent over to check out the situation.

Mayor Tardibono told the council that before the meeting on May 2<sup>nd</sup> at 6:30 p.m. they would be having a picture taken of the council. She also said that she had sent out two memos to staff and a verbal notice that there were to be no visitors at the Public Works area. She said that there is no insurance to cover if someone were to get hurt there and she did not want anyone over there that would keep the employees from doing their jobs. She said that she had also sent out memos to all boards and commissions that all request of employees must go through her.

Councilman Alexander asked if that referred to the City Clerk also when it comes to requesting items to be placed on the agenda. The Mayor stated that it did not. He also asked why the contractors were moving on up MacArthur when they were not finished with the intersection of 63<sup>rd</sup> and Mac. He said the businesses in the area are screaming and are concerned about going out of business. Engineer Barrett said that the storm sewer begins at the intersection and runs to 58<sup>th</sup> and they must do that work first.

Councilman Johnson said that he agrees with Councilman Alexander and believes there should be bigger crews working on the project to get it done.

Councilman Nelson said he had 4 calls about noise from 42<sup>nd</sup> and MacArthur and he made 2 calls to dispatch about the noise over Easter weekend. He said that the Officer said that his peace could not be disturbed. Chief Patty said that they were asked to turn the sound down and did not know if they did, and that his Officer was correct that the Officer's peace can not be disturbed. He gave an example of if there is loud music in apartments someone in the apartments must file a complaint the Officer can not be the one making the complaint. Councilman Nelson also asked about golf carts or go carts and four wheelers being driven on the streets and the issuance of tickets. Chief Patty stated that it depended on the size of the motor.

11. Discussion and possible action on appointment to fill Planning Commission At-Large seat vacated by Mike Gossman, term to expire October 2008.

Councilman Nelson stated that he would like to have Bob Wehba nominated for the position and that Mr. Wehba was interested in the position. Mayor Tardibono said that she was nominating Richard Bricker and it was her nomination to make.

Motion by Gossman, second by Martinez to approve Mr. Bricker. Poll vote: Alexander, yea; Johnson, nay; Nelson, nay; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed.**

12. Discussion and possible action on re-appointment or new appointment to the Traffic Commission, Ward IV seat, term to expire March 2009.

The Mayor stated that she would like to nominate Jason Eischen for the position.

Motion by Gossman, second by Martinez to approve Mr. Eischen. Poll vote: Alexander, yea; Johnson, yea; Nelson, nay; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed.**

13. Discussion and possible action on a proposal to contract with Millennium Financial Group to do collections. \*Jernigan

Attorney Jernigan stated that he had redrafted the agreement so that it provides for services on Utility Billing accounts or portions of accounts and that warrants will be handled in a different manner. He said that all information must stay confidential and that Millennium would receive 35% of all accounts they collect and that there was a hold harmless agreement. He said the agreement requires that Millennium provide a 2 million dollar insurance policy with the city named on it. He said the contract will be up for renewal each year.

Councilman Johnson stated that the city had tried this before and it did not work.

Motion by Martinez, second by Gossman to retain Millennium to collect utility accounts in accordance with the amended agreement. Poll vote: Alexander, yea; Johnson, nay; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed.**

Councilman Shapiro said that ever since Councilman Alexander had made the comment earlier in the meeting about businesses closing he had not been able to stop thinking about it and asked Councilman Alexander if he had spoken with these businesses. Councilman Alexander stated that he had not but they were hurting. Mayor Tardibono said that she had spoken with Walgreens and they are happy with the progress and are planning a 10 year anniversary party in June and want to include the city in the celebration. She also stated that she felt the explanations in the paper were good and most people do not blame the city. Councilman Shapiro suggested that the city keep meeting with the businesses. Councilman Street said he agreed with Councilman Alexander that they should finish the intersection before they move on down the road. Engineer Barrett said

that it is not cost effective to do the work that way. Mayor Tardibono said that they are professionals and it will be good when it is done. Councilman Nelson said the contract stated that there would be one lane each way and turn lanes operating at all times. Engineer Barrett stated that he had brought that up to ODOT but it never gets anywhere.

14. Discussion and possible action concerning the Ordinance that pertains to parking on the grass. \*Simmons\*

Mr. Simmons said that he has run into several problems while working code enforcement when it comes to parking on the grass. He tags the cars but the people need time to bring their driveways into compliance. Councilman Gossman said the problem is gravel drives were there before the Ordinance was passed. There needs to be a time frame in the Ordinance for how long they have to pave their drives. Councilman Nelson said that it would be too much of a hardship on residents in Ward IV most are senior citizens living on fixed incomes. Councilman Alexander asked if the city was now saying that everyone must pave their driveways and also what is non-conforming. Councilman Gossman said the city either needed to do something about it or leave it alone. Councilman Shapiro stated that he did not want to see the burden placed on the citizens and he opposed making them pour driveways. Attorney Jernigan said the grandfather issue needed to be done as part of the Ordinance and really is limited to zoning issues.

**No action was taken.**

15. Discussion and possible action concerning property at 6612 NW 58<sup>th</sup> Terr. to take all necessary steps to abate code violations existing on the property including filing of litigation. \*Jernigan\*

Attorney Jernigan stated that this item needs to be continued for 30 days to allow the owner to comply with the plans that have been laid out.

Motion by Martinez, second by Nelson to continue this item to the 2<sup>nd</sup> meeting in May. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

Items 19 and 20 were heard before item 16.

16. A. Discussion and possible action on an Ordinance amending Title 19, 19.64.010, Planning Commissioner removal. \*\*\*\*

Attorney Jernigan stated that this was the corrected version and the recommendation of the Planning Commission.

Motion by Nelson, second by Alexander to approve the Ordinance that will be number 1016. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

B. Approval of emergency clause.

Motion by Olson, second by Gossman to approve the emergency clause. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

17. Discussion and possible action on an invoice submitted by ODOT for a final payment on a Signal Interconnect project, STPY-155A(069)TR, contract from July 1999. \*\*\*\*

Clerk Ramirez said that at the last meeting the council asked if this could be paid with Street and Alley funds and the answer is yes. Councilman Johnson stated that this was paid for once and the city should refuse to pay this bill since it is so old. Attorney Jernigan said the entire project would have been budgeted for at the time. Councilman Johnson said that he would like to see justification before they pay the bill. Councilman Shapiro stated that he thought paying the bill was a matter of keeping good relations with ODOT.

Motion by Shapiro, second by Martinez to pay the bill using Street and Alley money. Poll vote: Alexander, nay; Johnson, nay; Nelson, nay; Gossman, yea; Martinez, yea; Street, abstain; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed.**

18. Final Public Hearing and action on rezoning 6103 NW 58<sup>th</sup> known as Ione Park or YWCA property from R1 to the PUD zoning classification. Owner/applicant: Ione Creek LLC/Patrick Martindale.

Attorney Jernigan said that the Planning Commission had continued their meeting on this issue until May 4<sup>th</sup>, therefore this hearing will be held at the May 16<sup>th</sup> meeting of the Council and there will be no further notice given of the continuation.

Motion by Martinez, second by Gossman to continue this item to the May 16<sup>th</sup> meeting. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

Item 19 was heard after item 15.

19. Discussion and possible action on approving the I.A.F.F. Local #2374 contract for FY 2005-2006. \*Puckett\*

Mr. Puckett said that the IAFF agreed to the contract in February with only changes in the EMT pay and if they leave before the specified time they must reimburse the pay.

Councilman Nelson stated that anyone that took money from the IAFF during the election should not vote on this item.

Motion by Martinez, second by Shapiro to approve the IAFF 2005-2006 contract. Poll vote: Alexander, yea; Johnson, nay; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed.**

Item 20 was heard after item 19 but before item 16.

20. Discussion and action on contract and negotiations for FY 2006-2007 with FOP Lodge #145 and I.A.F.F. Local #2374 and the City of Warr Acres, including discussion and action on entering into Executive Session as allowed under 25 O.S. Supp. 307 (B) (2), Discussing negotiations concerning employees and representatives of employee groups. \*Puckett\*

Motion by Martinez, second by Street to enter into executive session with Tony Puckett to stay. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

The council entered into executive session at 8:35 p.m.

The council returned to open session at 9:17 p.m. With no action taken.

21. Any Old or New Business ("New Business" is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a ("surprise nature")).

**Moot.**

22. Adjournment.

Motion by Martinez, second by Alexander to adjourn. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, nay; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed.**

The meeting was adjourned at 9:50 p.m.

Respectfully submitted,



Pamela McDowell-Ramirez  
City Clerk

**Warr Acres Economic Development Authority Meeting  
April 18, 2006**

The Council recessed at 7:18 p.m. to enter into the Economic Development Authority Meeting.

**ROLL CALL**

**PRESENT**

**ABSENT**

Chair Marietta Tardibono  
Vice-Chair Nancy Olson  
Trustee Jimmy Alexander  
Trustee Walter Johnson  
Trustee Mike Gossman  
Trustee Rodney Nelson  
Trustee Stan Street  
Trustee Jeff Martinez  
Trustee Stewart Shapiro

Convene as Warr Acres Economic Development Authority.

1. Approval of Minutes of the Meeting of Economic Development Authority Regular Meeting of March 21, 2006 and Special Meeting of March 9<sup>th</sup>, continued to March 10<sup>th</sup>, continued to March 13<sup>th</sup>, continued to March 15<sup>th</sup>, continued to March 23<sup>rd</sup>, continued to March 30<sup>th</sup>, continued to April 6<sup>th</sup>; and Special Meeting of March 20<sup>th</sup> continued to March 23<sup>rd</sup>. \*\*\*\*

Trustee Olson stated that the minutes needed to be changed because she was not at the March 30<sup>th</sup> meeting and Trustee Nelson stated that he should be listed as present for all meetings since he only missed one of the continued meetings.

Motion by Shapiro, second by Martinez to approve the minutes. Poll vote: Alexander, yea; Johnson, abstain; Nelson, yea; Gossman, yea; Martinez, yea; Street, abstain; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed.**

2. Approval of claims. \*\*\*\*                      \$ 8,563.72

Motion by Shapiro, second by Martinez to approve the payments. Poll vote: Alexander, yea; Johnson, abstain; Nelson, yea; Gossman, yea; Martinez, yea; Street, abstain; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed.**

3. Discussion and possible action on appraisal or proposals and possibly entering into Executive Session as allowed under 25 O.S. Supp 307 (C)(10), All nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces, or study group supported in whole or part by public funds, or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business.

**Moot.**

4. Adjournment of the Warr Acres Economic Development Authority Meeting.

Motion by Martinez, second by Shapiro to adjourn. Poll vote: Alexander, yea; Johnson, yea; Nelson, yea; Gossman, yea; Martinez, yea; Street, yea; Shapiro, yea; Olson, yea; and Tardibono, yea.

**Motion Passed Unanimously.**

The Economic Development meeting was adjourned at 7:23 p.m.